

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ETS MIR LLC, a South Dakota limited liability	:
company, a/k/a Etablissement MIR,	:
	:
Plaintiff,	:
	:
-against-	:
	:
PETROCI HOLDING CÔTE D'IVOIRE, a/k/a	:
NATIONAL OIL COMPANY OF CÔTE D'IVOIRE	:
and VAMISSA BAMBA, individually,	:
	:
Defendant.	:
----- X	

Case No. 1:22-cv-10228 (JPO)

**DECLARATION OF
VAMISSA BAMBA**

I, Vamissa Bamba, declare as follows:

1. My name is Vamissa Bamba and I am a defendant in this case.
2. I make this Declaration based upon my own knowledge and my review of the records relating to this case. To the extent it is not based on my personal knowledge, the sources of my information are stated, and such information is true to the best of my knowledge and belief.
3. I respectfully submit this Declaration in support of my motion to dismiss the claims against me for lack of personal jurisdiction and *forum non conveniens*.

Background

4. I am a citizen and resident of Côte d'Ivoire. I have lived here all my life.
5. I am employed by Petroci Holding, the national oil company of The Republic of Côte d'Ivoire and I have worked for the company since 1994. I served as Director General from August 6, 2021 until July 18, 2023.

6. Although my work requires me to travel, I have always permanently resided in Côte d'Ivoire.

7. I have been to the United States one time, in 2010, when I traveled for a business meeting in Houston. I was in New York briefly for connecting flights but did not leave the airport. Otherwise, I have never been to New York and I do not have any business or property there (or anywhere in the United States).

8. The papers that were delivered to Madame Kouame Antoinette at the office of Petroci did not include a French translation of the Summons and Complaint.

9. The claims against me in this case all arise from a letter. Plaintiff claims I wrote as Director General of Petroci. Plaintiff claims that the letter includes false claims of tax irregularities and that I “communicated the false claim of tax irregularity to Africa Commodities,” and that I “repeated these statements false statement about tax irregularities to the regional director of tax administration and various Ivorian politicians, including the minister of mines and energy.” *Second Amended Compl.*, ¶ 106. The allegations of the complaint are false.

10. The tax irregularities of Etablissement Mir were brought to our attention by the tax authorities of Côte d'Ivoire and I naturally reported about them when questioned by the Minister of Energy on the reason why Petroci had cancelled its agreements with Etablissement Mir.

11. Africa Commodities is one of the suppliers of butane gas to Petroci and it is based in Abidjan, Côte d'Ivoire. To the best of my knowledge, Africa Commodities has no operations outside Côte d'Ivoire and none in New York or the United States. The Ivorian politicians, including the minister of mines and energy referenced in the Amended Complaint, are all permanent residents of Côte d'Ivoire.

12. It would be a great hardship for me to litigate these claims in the United States. I have no connection there and for me to travel there to defend the case would be a severe financial and personal hardship.

13. In addition, all the relevant witnesses and evidence necessary to defend the claims against me are in Côte d'Ivoire.

14. These claims should be litigated in Côte d'Ivoire. I consent to jurisdiction of the courts of Côte d'Ivoire and waive any defense related to the Statute of Limitations to any case brought here based on the claims in the Amended Complaint.

15. I respectfully request that the Court grant the motion and dismiss the claims against me.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14 day of September 2023 in Abidjan, Ivory Coast.

s/

VAMISSA BAMBA